REMARKS

1.   Applicant thanks the Examiner for his findings, conclusions, and for pointing out the allowable subject matter of Claim 41.

2.   It should be appreciated that Applicant has elected to amend Claims 1, 8-11, 14, 19, 20, 24, 30, 36, and 41 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

The amendments herein were not made for any reason related to patentability. As for Claims 1, 14, 20, 24, 30, and 36 changes were implemented to clarify the invention. As for Claim 8-11, 19 and 36, changes were implemented to conform with standard claim drafting practices. As for Claim 41, changes were implemented to rewrite the claim in independent form incorporating material found to be allowable. None of the foregoing amendments is related to the pending rejections; all amendments were made for reasons other than patentability.

3.   The Examiner points out that Claim 41 is in allowable condition if rewritten in independent form to incorporate the subject matter of the base claim and any intervening claim. Applicant amends Claim 41 to incorporate all of the limitations of parent claim 36 and intervening Claim 37. Accordingly, the objection to Claim 41 is deemed to be overcome.

11

4. Claims 36-40 and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,366,882 (hereinafter "Bijl").

As to Claim 36, respectfully the applicant disagrees. Bijl fails to teach the claim requirement of "applying text patterns to the obtained data and placing the data in a first data file." The Examiner cites three sections of Bijl as anticipating the phrase "applying text patterns to the obtained data." The three sections, column 1, lines 5-8; column 2 lines 34-44, and column 6, lines 26-52, are addressed individually herein.

First, the last cited section of Bijl at column 6, lines 26-52 is directed toward the last half of the claimed phrase and is not directed at applying text patterns. Second, Bijl at column 1, lines 5-8 addresses speech to text conversion using automatic speech recognition. Respectfully, automatic speech recognition comes in a variety of forms, such as speed of the talker, dialect, tone, and inflection. There exists nothing in the first cited section of Bijl to indicate that text patterns are used by the automatic speech recognition of Bijl. Third, Bijl at column 2, lines 34-44 addresses a speech to text converter using at least one speech recognition processor where the speech recognition software uses data of recorded speeches selected based upon subject matter area. The applicant agrees that subject matter dependent speech recognition may be beneficial; however, subject matter dependent speech recognition can mean vocabulary recognition. There is nothing in the second cited section of Bijl to indicate that Bijl taught, described, or understood the benefit of applying text patterns. Indeed, Bijl goes on to teach at column 2, lines 59-60 a variety of technical subject areas; at column 2, lines 63-66 that new words are associated with a subject matter area; and at column 3, lines 10-11 that accent is also used. In stark contrast, Claim 36 requires applying text patterns. A text pattern requires a plurality of words.. Mathematically, it is impossible to establish a pattern or to

12

project a probability based upon a single data point. A pattern requires at least two points. Indeed, two standard dictionary definitions of pattern are: (1) a recognizably consistent series of related acts; and (2) a perceptual structure. Both a series of acts and a structure require a plurality of data. There exists nothing in the cited section of Bijl to indicate that the subject matter area speech recognition software works on more than discrete words. Accordingly, the rejection of Claims 36 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Bijl is deemed to be improper.

As to Claim 36, in order to clarify and still further distinguish Claim 36 from the cited art, Applicant amends Claim 36 to incorporate the preamble step of transforming and canonicalizing the semantically structured data into the body of the claim prior to the step of applying text patterns. Support for the amendment is found at least in the preamble of Claim 36 and in the abstract at lines 4-8. Bijl does not teach or describe transforming and canonicalizing semantically structured data. Further, as described *supra*, Bijl does not teach the application of text patterns. Hence, Bijl can not teach the step of applying text patterns to the transformed and canonicalized data. Accordingly, the rejection of Claims 36 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Bijl is deemed to be overcome.

5.   Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,212,494 (hereinafter "Boguraev") in view of U.S. patent no. 5,818,446 (hereinafter "Bertram").

Claims 1-35

As to Claims 1-35, respectfully the Applicant disagrees. Applicant previously argued that Boguraev is non-analogous art. The Examiner indicates that this argument is not proper. The Examiner states that as Boguraev already teaches

13

grammatical sentences and that Bertram does not need to disclose grammatical sentences and as Bertram teaches a specific user interface the combination teaches the claim. However, the Examiner provides no motivation for the combination of Bertram with Boguraev. The mere listing of citations that combined list all of the elements of a required claim is insufficient. There must be motivation for combining the cited art. In this case, Boguraev is a method involving computer-mediated linguistic analysis while Bertram is directed toward selection of a user interface based upon data content, such as adult use. The Applicant resubmits that Bertram is unrelated art. Further, the Applicant asserts that the combination of Bertram with Boguraev is the result of unfair hindsight. It is impermissible based upon the Applicant's own disclosure to combine Bertram with Boguraev. Unfair hindsight is restricted under MPEP 2145 X.A. The MPEP at section 2141.01 III. states that the Examiner must forget what he has been taught in the specification or is aware of from art or public use after the date of the invention. The Examiner must cast his mind back to the time of the invention. There is no suggestion within Boguraev to use the technology with that of Bertram, or *vise versa*. It is the teachings of the current application that suggest such a combination. Accordingly, the current rejection of Claim 1, 14, 20, 24, and 30 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Boguraev in view of Bertram is deemed to be improper.

Claims 1 and 14

In order to further clarify Claims 1 and 14, Applicant amends Claims 1 and 14 to incorporate into the body of the claim material from their respective preambles. Particularly, Applicant amends Claims 1 and 14 to clarify that the second data file contains a transformed and semantically structured data structure containing text patterns. Further, the specific interface is clarified as being a specific canonical interface. Support for these amendments is found at least in the preambles of Claims 1 and 14; in the abstract at lines 4-8; and in the application as filed at page 39, lines 22-23. Neither Bertram nor Boguraev teach or describe the use of

14

transforming data into a semantically structured data structure or generating grammatical sentences from a specific canonicalized interface. Accordingly, the current rejection of independent Claims 1 and 14 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Boguraev in view of Bertram is deemed to be overcome.

Claims 8-11 and 19 are amended to conform with standard claim drafting practice by modifying dependent language due to modification of antecedent language.
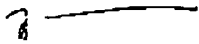
Claims 20, 24, and 30

In order to further clarify Claims 20, 24, and 30, Applicant amends Claims 20, 24, and 30 to clarify that the generated canonical phrases relate to a canonical structure. Further, Applicant amends Claims 20, 24, and 30 to clarify that the first data file is in a transformed and semantically structured data format. Support for these amendments is found at least in the preambles of Claims 1 and 14; in the abstract at lines 4-8; and in the application as filed at page 39, lines 22-23. In view of the above described amendments to Claims 20, 24, and 30, the current rejection of independent Claims 20, 24, and 30 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Boguraev in view of Bertram is deemed to be overcome.

15

CONCLUSIONS

In view of the above, this application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections and the objection, allowing the application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

Michael A. Glenn
Reg. No. 30,176

Customer No. 22862

16